



Kentucky Law Journal

Volume 86 | Issue 4

Article 8

1998

Kentucky Legal Research on the Internet

Kurt X. Metzmeier
University of Kentucky

Follow this and additional works at: <https://uknowledge.uky.edu/klj>

 Part of the [Legal Writing and Research Commons](#)

Right click to open a feedback form in a new tab to let us know how this document benefits you.

Recommended Citation

Metzmeier, Kurt X. (1998) "Kentucky Legal Research on the Internet," *Kentucky Law Journal*: Vol. 86 : Iss. 4 , Article 8.
Available at: <https://uknowledge.uky.edu/klj/vol86/iss4/8>

This Article is brought to you for free and open access by the Law Journals at UKnowledge. It has been accepted for inclusion in Kentucky Law Journal by an authorized editor of UKnowledge. For more information, please contact UKnowledge@lsv.uky.edu.

Kentucky Legal Research on the Internet

BY KURT X. METZMEIER*

INTRODUCTION

In the decade since the last Kentucky Law Survey was published, an entirely new resource for legal research has emerged. The Internet, a network of public and private computers, has rapidly become a major means for exchanging information in the United States.¹ Though legal materials are only a small portion of the vast amount of data mounted on this global network, this new medium has revolutionized legal research. Law firms have moved quickly to connect their attorneys' desktops to the world-wide web.² Internet research is now regularly taught along with information

* Coordinator of Information Systems Services at the University of Kentucky College of Law. J.D. 1995, University of Louisville.

¹ This survey is not the place to discuss the Internet as a phenomenon. For a brief discussion of the revolutionary impact of this new means of technology, see G. BURGESS ALLISON, *THE LAWYER'S GUIDE TO THE INTERNET* (1995). Published and widely distributed by the American Bar Association, it gives a good general introduction to the Internet as a prologue to more practical advice on its use in the practice of law. For a more theoretical discussion of how electronic legal research will transform not only the practice of law, but the law itself, see M. ETHAN KATSH, *LAW IN A DIGITAL WORLD* (1995).

² A recent survey by the ABA's Legal Technology Research Center showed that 64% of responding small law firms reported using the Internet in 1997, up from 38% just one year earlier. Some 54% of the respondents used e-mail to communicate with colleagues, and 41% employed the Internet to communicate with clients. The same ABA study found that most large firms have invested in Internet development: A majority of the larger firms had firm web pages; 60% of those who did not have pages planned to create one in the near future. These statistics are from the abstracts of the American Bar Association's 1997 SMALL LAW FIRM TECHNOLOGY SURVEY and 1997 LARGE LAW FIRM TECHNOLOGY SURVEY, taken from: *ABA Legal Technology Resource Center* (visited Apr. 2, 1998) <<http://www.abanet.org/tech/ltrc/survey.html>>

about the reporters and the digests in the nation's law schools.³ A section outlining world-wide web sources has become a staple of continuing legal education ("CLE") programs, no matter what the topic, and Internet programs have become standard at bar association meetings.⁴ Even the venerable *Bluebook* has accepted the trend, issuing prescribed citation formats for Internet sources in its sixteenth edition.⁵

³ All of the current legal research books contain chapters on the Internet, and teaching electronic research is a regular topic at meetings of the American Association of Law Schools and the American Association of Law Libraries. See CHRISTINA L. KUNZ ET AL., *THE PROCESS OF LEGAL RESEARCH* (4th ed. 1996).

⁴ The last two Kentucky Bar Association ("KBA") meetings (1996 and 1997) had sections on the use of Internet resources, and the topic was included in the 1997 round of district bar meetings. The Louisville Bar Association has hosted CLE seminars on Internet legal research for Jefferson County lawyers, and in 1996 the University of Kentucky College of Law library toured the state with a half-day program entitled *Kentucky Lawyers Online: The Internet and the Practice of Law* (holding sessions in Lexington (Jan. 25), Prestonsburg (Jan. 26), and Bowling Green (Apr. 20)).

⁵ The new section, which falls a bit short of enthusiasm over the new medium, directs as follows:

17.3.3. Internet Sources

Because of the transient nature of many Internet sources, citation to Internet sources is discouraged unless the materials are unavailable in printed form or are difficult to obtain in their original form. When citing to materials found on the Internet, provide the name of the author (if any), the title or top-level heading of the material being cited, and the Uniform Resource Locator (URL). The Uniform Resource Locator is the electronic address of the information and should be given in angled brackets. For electronic journals and publications, the actual date of publication should be given. Otherwise, provide the most recent modification date of the source preceded by the term "last modified" or the date of access preceded by the term "visited" if the modification date is unavailable:

Mark Israel, *The alt.usage.english FAQ File* (last modified Nov 17, 1995) <ftp://rtfm.mit.edu/pub/usenet/alt.usage/english/alt.usage.english_FAQ>

Scott Adams, *The Dilbert Zone* (visited Jan. 20, 1996) <http://www.unitedmedia.com/comics/dilbert>

Citations to journals that appear only on the Internet should include the volume number, the title of the journal, and the sequential article number. Pinpoint citations should refer to the paragraph number, if available:

Dan L. Burk, *Trademarks Along the Infobahn: A First Look at the Emerging Law of Cybermarks*, 1 RICH. J.L. & TECH. 1, ¶ 12 (Apr. 10, 1995) <http://www.urich.edu/jolt/v1il/burk.html>

As there are already a number of excellent books and periodicals that survey the broader terrain of legal material on the Internet,⁶ this Article will focus on legal research materials useful for the practice of law in Kentucky.⁷

Some Kentucky institutions already have made great efforts to bring their most important legal materials to the Internet. The *Kentucky Revised Statutes* ("K.R.S.") and *Kentucky Administrative Regulations* ("K.A.R.") are available on the world-wide web,⁸ as are key legislative and executive documents,⁹ including some attorney general's opinions.¹⁰ Standard forms for business filings, tax reporting, and other matters have also been placed on the web by Kentucky state agencies.¹¹ Yet despite the contention of some that "everything" is now on the Internet, Kentucky lags far behind other states in placing judicial materials on the web. This omission includes not only judicial opinions,¹² but also practice materials such as local rules, calenders, and court schedules.¹³ The Kentucky Bar Association ("KBA"), which has made good

THE BLUEBOOK. A UNIFORM SYSTEM OF CITATION § 17.3.3 (16th ed. 1996).

As the new format confines itself to the electronic version of journal articles, pieces requiring citations to entire web sites (like the current article) or electronic messages will still have to improvise citation styles based loosely on section 17.3.3 and other equivalent sections. See Hope Viner Samborn, *What's New in Blue: Citation Guidelines Change Along With the Times*, 82 A.B.A. J. 16 (Dec. 1996) (discussing the *Bluebook* citation form for Internet sources and problems in citing Internet sources).

⁶ See JOSH BLACKMAN, *HOW TO USE THE INTERNET FOR LEGAL RESEARCH* (1996); DIANA BOTLUK, *THE LEGAL LIST: RESEARCH ON THE INTERNET* (1997); JAMES EVANS, *LAW ON THE NET* (Allin Renauer ed., 2d ed. 1997); DON MACLEOD, *THE INTERNET GUIDE FOR THE LEGAL RESEARCHER* (2d ed. 1997). Periodicals of use to the Internet law researcher include *THE INTERNET LAWYER*, *INTERNET LAW RESEARCHER*, and *THE INTERNET CONNECTION: YOUR GUIDE TO GOVERNMENT RESOURCES*.

⁷ In contrast to the attention given to legal materials nationally, with the exception of two good, but brief, articles in KBA publications, there are few guides to Kentucky legal materials on the web. See Michael Whiteman, *Kentucky Legal Research on the Internet: Are We There Yet?*, 8.2 KY. B. NEWS, Spring 1997, at 2; Michael Losavio, *Legal Practice on the Electronic Frontier – The Internet, the Courts and Their Decisions*, 60 KY. BENCH & B., Winter 1996, at 55.

⁸ See *infra* Parts I.B, II.A.

⁹ See *infra* Parts I.C-D, II.B.

¹⁰ See *infra* Part II.B.2.

¹¹ See *infra* Part II.B.3.

¹² See *infra* Part III.A.

¹³ See *infra* Part III.A.1-2.

progress in the last year, has yet to make its web site the effective resource it could be for lawyers.¹⁴

I. KENTUCKY STATUTORY MATERIALS

Although federal materials have been available on the Internet since the beginning of the decade, it was not until early 1995 that the Legislative Research Commission ("LRC"), the Kentucky General Assembly's research and publications arm, took steps to provide the public with legislative materials.¹⁵ It began by posting the phone numbers of lawmakers and the membership of legislative committees.¹⁶ Lists of LRC publications and summaries of bills pre-filed for the 1996 legislative session soon followed.¹⁷ Because the LRC used existing staff to create its web site, it quickly became outdated, prompting several unflattering newspaper articles around the state,¹⁸ when those same employees became involved in preparations for the start of the session. This negative publicity led to a quick response – the full text of bills under consideration were rushed onto the LRC's web site by state legislators and the LRC.¹⁹ The Kentucky General Assembly stepped in with the passage of section 7.500 of the Kentucky Revised Statutes,²⁰ which

¹⁴ See *infra* Part IV

¹⁵ See *State Legislative Business Now on Internet*, LEXINGTON HERALD-LEADER, Apr. 13, 1995, at B3.

¹⁶ See *id.*

¹⁷ See *id.*

¹⁸ See, e.g., Ric Manning, *Tangled in the Web: Legislature Stall on Information Highway*, THE COURIER-JOURNAL (Louisville, Ky.), Jan. 5, 1996, at A1, *Data on Legislative Web Site Out of Date*, LEXINGTON HERALD-LEADER, Jan. 6, 1996, at C3; *Assembly Lags on its Web Site*, CIN. POST, Jan. 6, 1996, at 7A.

¹⁹ See Michael Collins, *Internet Offers Speedy Route to State Government*, KY. POST (Covington, Ky.), Sept. 14, 1996, at K4. The turnaround was largely due to a quick-fix that the LRC has since turned to more than once: The bills were transferred onto the web in their existing Microsoft Word format, and users were asked to download and install a special viewer into their web browser. The measure was an admirably creative solution under the circumstances, but less technically sophisticated computer users were effectively excluded from accessing public documents because of the computer skills required to download a file, unzip it, and install it into a browser. (As webmaster of the University of Kentucky College of Law and the administrator of the law library's legal research links directory, I noticed the change – and its connection to the press complaints – almost immediately.)

²⁰ KY REV STAT. ANN. [hereinafter K.R.S.] § 7.500 (Michie 1996).

mandates that the LRC make certain materials available to the public in electronic form.²¹

A. *Kentucky Constitution*

Kentucky's current constitution²² was posted on the LRC site in 1997²³ It can be searched using a brief topical outline or a numeric listing of sections, or by keyword using the LRC search engine.²⁴ The site includes brief historical notes concerning the repeal and adoption of amendments.²⁵ One

²¹ Section 7.500 reads:

(1) The Legislative Research Commission shall make available to the public in electronic form the following texts:

(a) The Constitution of Kentucky;

(b) The Kentucky Revised Statutes;

(c) The Kentucky Acts; and

(d) The administrative regulations comprising the Kentucky Administrative Regulations Service and the Administrative Register of Kentucky.

(2) The information identified in subsection (1) of this section shall be made available to the public by means of access by way of the largest nonproprietary, nonprofit cooperative public computer network. The information shall be made available in one (1) or more formats and by one (1) or more means in order to provide the greatest feasible access to the general public in this Commonwealth. Any person who accesses the information may access all or any part of the information. The information shall be made available in the shortest feasible time after the information is available to the Legislative Research Commission.

K.R.S. § 7.500(1), (2).

²² See K.R.S. (Michie 1998) (Constitutions); see also *Kentucky Constitution* (last modified July 31, 1997) <<http://www.lrc.state.ky.us/const/intro.htm>>

²³ Authoritative electronic versions of the prior three constitutions, promulgated in 1792, 1799, and 1850, will be made available sometime before the year 2000 as part of an effort by South Texas College of Law to place all historical U.S. state constitutions on the web. The goal of the project is to create a database that can recreate a state's constitution for any particular date, trace the amendment history of any provision, and provide links to annotations to related historical documents, scholarly commentary, and case law. Electronic communication from Buford C. Terrell, director of the South Texas Electronic Publishing Initiative, December 3, 1997 (on file with author).

²⁴ See *Kentucky Legislature Searching Service* (last modified Dec. 2, 1997) <<http://www.lrc.state.ky.us/search>>

²⁵ See *id.*

useful addition to this sparse site would be an electronic version of the LRC's excellent publication, *A Citizens' Guide to the Kentucky Constitution*.²⁶

B. *Kentucky Revised Statutes*

Pursuant to its mandate in section 7.500,²⁷ the LRC publishes an unofficial version of the K.R.S. on the web.²⁸ Under section 7.131,²⁹ the two printed versions of the statutes (published by Michie Law Publishers and West Group³⁰) are official, certified versions of Kentucky law. All three versions are based on an electronic database that the legislature requires the LRC to maintain.³¹ In order to view the web version of the K.R.S., which is mounted in Portable Document Format ("PDF"), the researcher must have the Adobe Acrobat reader installed as a helper application in her browser.³² An

²⁶ A CITIZENS' GUIDE TO THE KENTUCKY CONSTITUTION (Rob Williams comp., Charlie Bush ed., 1993).

²⁷ K.R.S. § 7.500 (Michie 1996).

²⁸ See *Kentucky Revised Statutes: Unofficial WWW Version* (last modified Dec. 5, 1997) <<http://www.lrc.state.ky.us/statrev/frontpg.htm>>

²⁹ K.R.S. § 7.131.

³⁰ Formerly Banks-Baldwin Publishing Co.

³¹ Section 7.131 reads:

(1) The Legislative Research Commission shall maintain the official version of the Kentucky Revised Statutes in an electronic database that shall be used in bill drafting for the Kentucky General Assembly and made available to the public as provided by KRS 7.500.

(2) The official version of the Kentucky Revised Statutes shall contain all permanent laws of a general nature that are in force in the Commonwealth of Kentucky

(3) In maintaining the official version of the Kentucky Revised Statutes, the Commission may omit all laws of a private, local, or temporary nature, including laws for the appropriation of money, and memorials and joint and concurrent resolutions. The Commission shall omit the titles and enacting clauses of the several acts as well as repealing, emergency, and severability clauses.

K.R.S. § 7.131.

³² One of four formats used on LRC pages, PDF allows for printing, but additional add-on software is required to convert entire documents into a normal text format. Hyper Text Markup Language is the only format that can be read with an ordinary browser alone. The three formats that require separate viewers are Microsoft Word, PDF, and PaperPort. PDF is also used extensively in federal government web pages because it makes it possible to easily distribute forms and documents on the web that when printed look exactly like the originals.

introduction to the K.R.S. home page notes the date of the last update to the statutes and the last legislative session included.³³ The LRC promises to update the web K.R.S. "as soon as is feasible" after each session.³⁴

As the LRC electronic database that forms the basis of the web version did not until recently include information concerning legislative history, all but the most recent statutes have either no historical data, or only that information compiled in the LRC's last official printed version of the revised statutes.³⁵ Those laws in the latter category will have a note, "History though 1968," which indicates that only the historical information contained in that last official code is given.³⁶

Currently, access to the web K.R.S. is available only through a topical outline based on the title and chapter headings. Since the statutes were first posted in spring 1997, access by statute number and access through a search engine where researchers could use keywords have been promoted as coming soon, but it was not until December 1997 that a keyword-searchable form was created.³⁷ As the continuing absence of a search engine makes the web K.R.S. practically unusable to the general public, the keyword feature is to be applauded. However, the new search tool is a bit crude; for searching purposes, the K.R.S. is broken into four parts (K.R.S. §§ 001-119; 120-216b; 217-310; 311-KRE) and unless the researcher is sure about which title to search, the query must be run in each part.³⁸

The awkwardness of its current search engine, along with the Kentucky legislature's reticence about making it an official version of the code, prevent the web K.R.S. from becoming a viable alternative to the printed codes and their electronic versions on Westlaw, Lexis-Nexis, and CD-ROM.

C. Kentucky Legislation

1. General Legislative Information

After a somewhat rocky start, the LRC has put together one of the nation's premier web sites for legislative information.³⁹ It is comprehensive,

Documentation on the installation and use of these viewers can be found on the *LRC Information Technology Resource Page* (last modified Feb. 9, 1998) <<http://www.lrc.state.ky.us/tech/techpage.htm>>

³³ See *supra* note 28.

³⁴ See *supra* note 28, at *Updating Information*.

³⁵ See *supra* note 28, at *History Information*.

³⁶ *Id.*

³⁷ See *Kentucky Legislature Searching Service* (visited Apr. 2, 1998) <<http://www.lrc.state.ky.us/search>>

³⁸ See *id.*

³⁹ See *Kentucky Legislative Home Page* (last modified Mar. 30, 1998) <<http://www.lrc.state.ky.us/home.htm>>

regularly updated, and unfettered by slow-loading graphics.⁴⁰ Its only major drawback is that it requires a user to install up to three separate viewers, but that problem is likely to fade as browsers become more sophisticated.⁴¹ The main attractions are the full-text versions of bills and resolutions before the Kentucky General Assembly, but the site also contains a wealth of information about the legislative process. The current legislative calendar and schedule of monthly committee meetings are prominently posted, along with the rules of the House and Senate.⁴² Committee assignments and contact information about members are listed along with data on LRC and other legislative staff persons.⁴³ Recently, the Legislative Record, a daily log of the flow of legislation, was added.⁴⁴ Furthermore, Legislative Record Final Actions since 1986, as well as the latest Legislative Record, can be searched by keyword on the LRC search page to determine the final disposition of legislation.⁴⁵

2. *Bills and Resolutions*

During the period leading up to a regular or extraordinary session of the General Assembly, pre-filed bills and resolutions are placed on the LRC site. These are later supplemented by bills filed within the session. After the session adjourns, the final versions of all bills filed remain on the web site for a period of time.⁴⁶ During the last session, bills could be searched only by a grid-table of bill and resolution numbers, but an additional subject index has been constructed for the bills pre-filed for the 1998 regular session.⁴⁷ As of yet, there has been no effort to archive earlier versions of bills that are later revised, or to archive bills from previous sessions.

D. *Other Legislative Materials*

1. *Legislative Documents*

Several documents concerning the legislative process are available on the LRC site, including short pieces on legislative history, legislative termino-

⁴⁰ A text version is available for users with text-only browsers.

⁴¹ See *supra* note 19.

⁴² See *supra* note 39, at *Schedules and Visitor Information* and *The Legislative Process*.

⁴³ See *supra* note 39, at *Organization and Administration* and *Who's Who and How to Control Them*.

⁴⁴ See *supra* note 39, at *Hot Items*.

⁴⁵ See *supra* note 37.

⁴⁶ See *supra* note 39, at *Legislation*.

⁴⁷ See *supra* note 39, at *Legislation*.

logy, and Kentucky's budget process.⁴⁸ Summaries of Interim Studies of reports are provided, along with links to relevant pre-filed legislation. Lists of the LRC's Information Bulletins and Research Reports are provided, along with the full text of some of the more popular titles, such as Duties of Elected County Officials (revised 1996), County Government in Kentucky (revised 1996), and Kentucky Municipal Statutory Law (revised 1995).⁴⁹

2. *Legislative Ethics Opinions*

The LRC also hosts the web site of the Kentucky Legislative Ethics Commission.⁵⁰ Betraying no hint of the controversy surrounding the Commission since its creation in the wake of the federal BOPTRT investigation,⁵¹ the site contains web versions of the Code of Ethics for

⁴⁸ See *supra* note 39, at *The Legislative Process*.

⁴⁹ See *Informational Bulletins* (visited Apr. 2, 1998) <<http://www.lrc.state.ky.us/lrcpubs/bulletin.htm>>

⁵⁰ *Kentucky Legislative Ethics Commission* (last modified Feb. 25, 1998) <<http://www.lrc.state.ky.us/ETHICS/homepage.htm>>

⁵¹ In early 1992, a federal investigation of legislative corruption, code-named Operation BOPTRT, led to the conviction of 15 legislators (including the speaker of the house) for taking bribes. Governor Brereton Jones called a special session of the General Assembly in 1993 to write legislative ethics rules that would restore public faith in that body. The rules tightly limited the amount of food and other favors a legislator could accept from lobbyists and set up an independent commission to investigate ethics complaints. From the beginning, legislators chafed at the commission's interpretations, and, after the commission weathered a lawsuit, numerous threats, and the legislature's physical removal of the panel's offices from the legislative complex to less desirable lodgings across town, the legislature rolled back the ethics law in 1996. The new law required a sworn complaint to be formally lodged before any investigation was undertaken, a rule the commissioners said had limited their ability to carry out their mission. As a result, by the end of the year most of the commission had resigned in protest. The current commission's members all have been appointed under the new law. See Mark R. Chellgren, *Suit Challenges Ethics Law Governing Lobbyists*, THE COURIER-JOURNAL (Louisville, Ky.), Jan. 4, 1994, at B3; Fran Ellers, *Ethics Law Seminar Leaves Legislators Fuming; Many Object to Panel's Interpretation*, THE COURIER-JOURNAL (Louisville, Ky.), Dec. 2, 1993, at B3; Fran Ellers, *Ethics Panel Must Move: Some Fear Lower Profile*, THE COURIER-JOURNAL (Louisville, Ky.), Dec. 8, 1994, at B1; Fran Ellers, *State Ethics Panel's First Mission: Figuring Out How to Enforce Law*, THE COURIER-JOURNAL (Louisville, Ky.), May 15, 1993, at A11; Fran Ellers, *Weakened Ethics Law: Will It Hurt Legislators' Image?*, THE COURIER-JOURNAL (Louisville, Ky.), July 31, 1996, at A1.

Legislators; Legislative Candidates and Legislative Employees; the Code of Ethics for Lobbyists and Employers of Lobbyists; the relevant texts concerning legislative ethics from the K.R.S. and K.A.R., and various reporting forms required by the ethics law.⁵² There is a directory of current members of the commission and the staff.⁵³ The site also has summaries of Advisory Opinions from 1993 to 1998.⁵⁴ It is not clear whether the newly constituted panel will post its opinions.

II. ADMINISTRATIVE MATERIALS

A. *Kentucky Administrative Regulations*

The LRC's legislative mandate to publish Kentucky's primary legal documents extends to the state's regulatory documents.⁵⁵ An unofficial version of the K.A.R., the state's code of regulations, has been placed on the web in PDF format.⁵⁶ The web K.A.R., which neither supplants the printed K.A.R. nor its supplement, the *Administrative Register of Kentucky*, consists of:

- (1) administrative regulations in effect as of the 15th of the previous month;
- (2) emergency and new administrative regulations filed by noon on the 15th of the previous month; and
- (3) proposed amendments to the administrative regulations filed by noon on the 15th of the previous month.⁵⁷

A phone number is provided to help researchers assure that the regulation they have downloaded is current.⁵⁸ There also is a bulletin on the front of the home page announcing upcoming hearings on proposed regulations.⁵⁹

⁵² See *supra* note 50.

⁵³ See *supra* note 50, at *Members and Staff*.

⁵⁴ See *Kentucky Legislative Ethics Commission: Advisory Opinion Summaries 1993-1998* (visited Apr. 2, 1998) <<http://www.lrc.state.ky.us/ETHICS/opinsum.htm>>

⁵⁵ See K.R.S. § 7.500(1)(d) (Michie 1996).

⁵⁶ See *Kentucky Administrative Regulations Page* (last modified Mar. 24, 1998) <<http://www.lrc.state.ky.us/kar/frntpage.htm>> The PDF files, when printed on a good laser printer, are indistinguishable from a photocopy of the official code.

⁵⁷ *Id.*

⁵⁸ See *id.*

⁵⁹ See *id.* at *The Kentucky Administrative Regulations*. The content of this box changes frequently, but regularly includes notices of intent to promulgate

The K.A.R. is accessible by a topical outline based on the code of regulations' table of contents. In addition, the web K.A.R. can be searched by keyword using the LRC search engine.⁶⁰ Given the sparseness of the subject index of the print version of K.A.R., this feature alone favors use of the web version.

B. Other Executive Branch Materials

1. Governor

The governor has long had an important role in Kentucky's legislative process.⁶¹ For example, important legislation on workers' compensation and higher education had its origins in the governor's office.⁶² Moreover, removal of the constitutional bar to a second term⁶³ is likely to enhance the chief executive's position.⁶⁴ Published statements of the chief executive often are important parts of the legislative history of a Kentucky law.⁶⁵ Governor Paul Patton was quick to embrace the Internet to promote economic development, tourism, and his own legislative agenda. The governor's own web page

administrative regulations and agendas for administrative regulation review committees and subcommittees.

⁶⁰ See *supra* note 37

⁶¹ See PENNY M. MILLER, KENTUCKY POLITICS AND GOVERNMENT: DO WE STAND UNITED? 136-45 (1994); Paul Blanchard, *Governor, Office Of, in* KENTUCKY ENCYCLOPEDIA 380-81 (John Kleber ed., 1992).

⁶² See, e.g., Charles Wolfe, *Patton Fine-Tunes Workers' Comp Plan: But Early Support of Business, Labor Isn't Anticipated*, THE COURIER-JOURNAL (Louisville, Ky.), Nov. 19, 1996, at 1B (discussing the governor's early efforts to negotiate and draft a workers' compensation bill); Richard Wilson & Robert T. Garret, *Fight to Control Colleges Opens Today: Round One: Patton Outlines Plan on KET*, THE COURIER-JOURNAL (Louisville, Ky.), Mar. 26, 1997, at 1B (discussing governor's push for higher education reform, specifically the proposal to separate the state's community colleges from the University of Kentucky).

⁶³ See KY. CONST. § 71, see also MILLER, *supra* note 61, at 96-97

⁶⁴ See MILLER, *supra* note 61, at 126, 129-30.

⁶⁵ In the federal setting, the statements of the executive play a modest role in the legislative history of a statute. See MORRIS L. COHEN ET AL., FINDING THE LAW 238 (1989). However, because of the traditionally strong role of Kentucky's governor in the drafting of major laws, as well as the state legislature's failure to publish its debates or formal reports of its hearings and committee meetings, it is the author's opinion that a governor's pronouncements are valuable sources of legislative history in Kentucky

contains the full text of speeches and news releases.⁶⁶ The governor's home page is regularly updated during sessions of the General Assembly and was used widely during the special session debating Patton's controversial proposal to sever the Kentucky community college system from the University of Kentucky. However, there does not seem to be any concerted effort to archive these documents, making it unlikely that they will be available for legislative history research in future years.⁶⁷

2. *Attorney General*

The web site of the attorney general⁶⁸ has several useful features, not the least of which is an archive of attorney general opinions dating back to 1992.⁶⁹ Under Kentucky law, a written opinion of the attorney general of Kentucky on certain matters⁷⁰ is considered to be a legal precedent that a

⁶⁶ See *Commonwealth of Kentucky, Paul E. Patton, Governor* (visited Apr. 2, 1998) <<http://www.state.ky.us/agencies/gov/govmenu6.htm>>

⁶⁷ Firms contemplating future actions in these areas would be wise to undertake some kind of archiving of these materials on their own, either by printing hard copies or employing one of the software products available for "grabbing" the contents of entire web sites. See generally Edward Mendelson, *Internet Off-line Browsers*, 16 PC MAGAZINE No. 7, at 207 (Apr. 8, 1997).

⁶⁸ See *Attorney General, Commonwealth of Kentucky* (last modified Mar. 31, 1998) <<http://www.law.state.ky.us/default.htm>> The contents of the attorney general's home page may be accessed by clicking on More Info. See *id.* at *More Info*. This leads the user to a frameset version of the home page with its own address, *Attorney General of Kentucky* (visited Apr. 2, 1998) <<http://www.law.state.ky.us/frameset.htm>>

⁶⁹ See *Opinions of the Attorney General* (last modified Dec. 30, 1997) <<http://www.law.state.ky.us/civil/opinions.htm>>

⁷⁰ Section 15.025 states:

The Attorney General, when requested in writing, under 15.020, shall furnish such opinions subject to the following conditions:

- (1) When questions of law of interest to the Commonwealth are submitted by a state department, agency, board or commission;
- (2) When public questions of law are submitted by either house of the Legislature or by any member of the Legislature;
- (3) When public questions of law pertaining to local government are submitted in writing by the proper public official of the county or other political subdivision of the Commonwealth;
- (4) When, in the discretion of the Attorney General, the question presented is of such public interest that an Attorney General's opinion on the subject is deemed desirable and when provided for by regulation

government official can rely on in good faith until that opinion is overturned by a court.⁷¹ Despite the importance of these determinations, they were not regularly available until the Banks-Baldwin company published its *Opinions of the Attorney General of Kentucky* service in the 1960s.⁷² Even with this source, certain unpublished decisions were available only as slip opinions collected in the libraries of the state's law schools. The web site contains opinions from 1992 to the present, with no distinction made between published and unpublished decisions. The archive can be searched by keyword or by the number of the opinion.⁷³ The accompanying web page also has answers to frequently asked questions that helps put a particular attorney general opinion into its proper context.⁷⁴

The attorney general's home page contains information on open meetings and open records decisions, including an archive of those meetings and decisions.⁷⁵ By selecting "More Info." on the attorney general's home page, the user is directed to a frameset version of the home page with its own address.⁷⁶ By selecting "Publications" from this frameset page, the user arrives at an archive of publications,⁷⁷ including a booklet on the rights of citizens under the open records and meetings acts,⁷⁸ as well as a guide to the application of these laws by public bodies.⁷⁹ Other publications of interest include a Guide to Conflicts of Interest and Incompatible Offices for local

pursuant to the provisions of this section.

K.R.S. § 15.025 (Michie 1996).

⁷¹ See, e.g., *Marina Management Serv., Inc. v. Commonwealth of Ky.*, Cabinet for Tourism, 906 S.W.2d 318, 320 (Ky. 1995) (stating "OAG 91-72 was never appealed and consequently has had the force and effort of law for over three years"); see also K.R.S. § 15.025 (Notes of Decisions and Opinions).

⁷² OPINIONS OF THE ATTORNEY GENERAL OF KENTUCKY (1956-present).

⁷³ See *supra* note 69, at *Search for an OAG*.

⁷⁴ One Q&A effectively answers the question of how to determine whether an opinion is still current. This is problematic; in some cases, the answer requires an entirely new opinion of the attorney general. See *supra* note 69, at *Is a Particular Opinion Still Current?*

⁷⁵ See *Attorney General of Kentucky*, *supra* note 68, at *Open Records/Open Meetings*.

⁷⁶ See *Attorney General of Kentucky* (visited Apr. 2, 1998) <<http://www.law.state.ky.us/frameset.htm>>

⁷⁷ See *Attorney General Publications* (last modified Sept. 3, 1997) <<http://www.law.state.ky.us/publicat.htm>>

⁷⁸ See *id.* at *Protecting Your Right to Know*.

⁷⁹ See *id.* at *Your Duty Under the Law*.

officials⁸⁰ and the County Clerks' Guide to Marriage Law.⁸¹ The attorney general's web site also has a useful set of sub-pages concerning consumer protection resources in Kentucky with relevant state statutes, online brochures, and links to other resources.⁸² There also is an online database of active charity promotions in the state and a listing of private foundations operating in Kentucky.⁸³

3. *Revenue Cabinet*

The Kentucky Revenue Cabinet maintains a web site⁸⁴ containing a large collection of downloadable tax forms stored in PDF format.⁸⁵ In addition to the forms archive, the Cabinet's site has a phone directory, a list of taxpayer service centers, and a tax filing calender, as well as copies of the taxpayer's bill of rights and the protest and appeals procedures.⁸⁶ Documents found on the site include the Sales and Use Tax Newsletter, the Withholding Tax Newsletter, the Guide to Kentucky Inheritance and Estate Taxes Newsletter, and *Kentucky Tax Alert*.⁸⁷

4. *Secretary of State*

Kentucky statutes give the secretary of state a varied set of duties, ranging from overseeing elections⁸⁸ to the recording of articles of incorporation and other business filings.⁸⁹ With an on-line business data base, sample incorporation forms, filing fee schedules, and documents explaining

⁸⁰ See *id.* at *Conflicts of Interest and Incompatible Offices*.

⁸¹ See *id.* at *County Clerks' Guide to Kentucky Marriage Law*.

⁸² See *Consumer Protection Division* (last modified Oct. 1, 1997) <<http://www.law.state.ky.us/cp/toc.htm>>

⁸³ See *Active Charity Promotions in Kentucky* (last modified Feb. 25, 1998) <<http://www.law.state.ky.us/cp/active.htm>>

⁸⁴ See *Commonwealth of Kentucky, Kentucky Revenue Cabinet, Online Taxpayer Service Center* (last modified Mar. 31, 1998) <<http://www.state.ky.us/agencies/revenue/revhome.htm>>

⁸⁵ See *KRC Tax Forms* (last modified Jan. 23, 1998) <<http://www.state.ky.us/agencies/revenue/taxforms.htm>>

⁸⁶ See *supra* note 84.

⁸⁷ See *supra* note 84. *Kentucky Tax Alert* is also available at *Kentucky Revenue Cabinet Publications* (last modified Mar. 31, 1998) <<http://www.state.ky.us/agencies/revenue/publications.htm>>

⁸⁸ See K.R.S. § 117.015 (Michie 1993).

⁸⁹ See *id.* § 271B.1-210(9) (Michie 1989).

the law of corporations in Kentucky, the secretary of state's web site is a valuable tool for persons seeking to set up a business in Kentucky.⁹⁰ One web page explains the procedure for Uniform Commercial Code filings in Kentucky;⁹¹ another provides forms and information concerning Kentucky business filings,⁹² including a document on how to avoid the most frequent filing errors. The jewel of the secretary of state's site is the on-line business database, which offers information on the corporate status and registered agent and address of, as well as other information about, corporations chartered or incorporated in Kentucky.⁹³ A detailed summary of Kentucky law concerning the filing of articles of incorporation is also posted.⁹⁴

The secretary of state's other major responsibility, overseeing the state election law, is not given short shift. A regularly updated listing of those candidates who have filed for the next election is prominently posted.⁹⁵ Separate pages outline the mission, membership, and staff of the State Board of Elections⁹⁶ and the Registry of Election Finance.⁹⁷ An archive of advisory opinions of the election finance registry from January 1994 to April 1996 can be found on the registry's page, accessible by way of a subject matter index page.⁹⁸

5. *Labor Cabinet*

The Kentucky Labor Cabinet manages the Department of Workers' Claims and the state personnel office and oversees the employee safety and civil rights laws.⁹⁹ The Cabinet's more-than-adequate web page reflects these

⁹⁰ See *Commonwealth of Kentucky, Secretary of State, John Y. Brown III* (last modified Mar. 27, 1998) <<http://www.sos.state.ky.us/>>

⁹¹ See *Uniform Commercial Code (UCC)* (visited Apr. 2, 1998) <<http://www.sos.state.ky.us/admin/legal/ucc.htm>>

⁹² See *Kentucky Business Services, Business Filings in Kentucky* (visited Apr. 2, 1998) <<http://www.sos.state.ky.us/busser/busfil/busfil.htm>>

⁹³ See *On-line Business Database* (last modified Mar. 22, 1998) <<http://www.sos.state.ky.us/corporate/entityname.asp>>

⁹⁴ See *Kentucky Business Services, Business Filings in Kentucky*, *supra* note 92.

⁹⁵ See *1998 Primary Election Candidates* (visited Apr. 2, 1998) <<http://www.sos.state.ky.us/intranet/election.asp>>

⁹⁶ See *Kentucky State Board of Elections* (visited Apr. 2, 1998) <<http://www.state.ky.us/agencies/sbe/sbehome.htm>>

⁹⁷ See *Kentucky Registry of Election Finance* (last modified Mar. 20, 1998) <<http://www.state.ky.us/agencies/kref/krefhome.htm>>

⁹⁸ See *Registry Advisory Opinions* (last modified Oct. 31, 1997) <<http://www.state.ky.us/agencies/kref/aos/aosindex.htm>>

⁹⁹ See K.R.S. § 336.015 (Michie 1995).

responsibilities.¹⁰⁰ Perhaps the most useful feature for lawyers is the Department of Workers' Claims page.¹⁰¹ Key statutes and regulations are republished, along with the *Workers' Compensation Guidebook*—a handbook to the new workers' compensation law aimed at the lay person,¹⁰² but also useful as a nutshell for lawyers who do not normally practice in this area. Also provided is a collection of regulatory forms based on the new law and adopted by the commissioner of the Department of Workers' Claims.¹⁰³ The site is rounded out with a directory of key personnel¹⁰⁴ and a set of links to other government sites.¹⁰⁵

Mounted on the personnel office sub-page is a directory of employment opportunities with the state and other information useful to job seekers.¹⁰⁶ The Division of Employment Standards home page has a number of documents, applicable statutes and regulations, and other material concerning Kentucky child labor, wage and hour, and sex discrimination laws (including forms for employment complaints).¹⁰⁷ Links to federal employment materials are also provided.¹⁰⁸ A separate page promotes occupational safety and health and

¹⁰⁰ See *Commonwealth of Kentucky: Kentucky Labor Cabinet* (visited Apr. 2, 1998) <<http://www.state.ky.us/agencies/labor/labrhome.htm>>

¹⁰¹ See *Commonwealth of Kentucky, Kentucky Labor Cabinet, Department of Workers Claims* (last modified Mar. 22, 1998) <<http://www.state.ky.us/agencies/labor/wrkclaim.htm>>

¹⁰² See *id.* at *Publications: Workers Compensation Guidebook* (which leads the user to: *Workers Compensation Guidebook*) (visited Apr. 2, 1998) <<http://www.state.ky.us/agencies/laborguide.htm>>

¹⁰³ See *id.* at *General Information: Forms* (which leads the user to *Commonwealth of Kentucky, Kentucky Labor Cabinet, Department of Workers Claims House Bill 1 Forms*) (visited Apr. 2, 1998) <<http://www.state.ky.us/agencies/labor/hb1forms.htm>>

¹⁰⁴ See *supra* note 101, at *General Information: Key Personnel* (which leads the user to *Commonwealth of Kentucky, Kentucky Labor Cabinet, Department of Workers Claims, Key Personnel*) (last modified Feb. 25, 1998) <<http://www.state.ky.us/agencies/labor/per-key.htm>>

¹⁰⁵ See *supra* note 101, at *General Information: More Government and Information Sites* (which leads the user to: *Commonwealth of Kentucky, Kentucky Labor Cabinet, Department of Workers Claims, Federal Government Sites*) (visited Apr. 2, 1998) <<http://www.state.ky.us/agencies/labor/links.htm>>

¹⁰⁶ See *Commonwealth of Kentucky, Personnel Cabinet's Home Page* (visited Apr. 2, 1998) <<http://www.state.ky.us/agencies/personnel/pershome.htm>>

¹⁰⁷ See *Commonwealth of Kentucky, Kentucky Law Cabinet, The Division of Employment Standards, Apprenticeship and Training* (visited Apr. 2, 1998) <<http://www.state.ky.us/agencies/labor/general.htm>>

¹⁰⁸ See *id.*

contains a similar mix of state statutes, guides, and links to federal web sites.¹⁰⁹

6. *Other Agency Sites of Interest*

The agency web sites discussed above are not the only web sites that would be useful to an attorney, but are those most generally applicable to the practice of law. The Alphabetical List of Kentucky State Government Information found on the state's web site is a good guide to the dozens of agency web sites that are available.¹¹⁰ In addition, the site has links to official organizational charts (a useful tool considering the fact that the organization of Kentucky cabinets is apt to change with each governor).¹¹¹ Another good source is the Kentucky page of the University of Kentucky Libraries subject guide to World-Wide Web Resources.¹¹²

III. JUDICIAL SITES

A. *Kentucky*

One glaring omission in the body of Kentucky legal materials on the Internet is the absence of any state judicial decisions. Kentucky is one of only ten states where the opinions of at least the high court are not available on the world-wide web.¹¹³ This has caused no small degree of grumbling from

¹⁰⁹ See *Kentucky Labor Cabinet, The Kentucky Occupational Safety and Health Program* (visited Apr. 2, 1998) <<http://www.state.ky.us/agencies/labor/kyosh.htm>>

¹¹⁰ See *Alphabetical List of Kentucky State Government Information* (last modified Mar. 13, 1998) <<http://www.state.ky.us/govtinfo.htm>> The form of the state's domain name – [www.state.\[state name\].us](http://www.state.[state name].us) – is universal and can be used to find the web site of other states.

¹¹¹ See *id.*

¹¹² See *University of Kentucky, World-Wide Web Resources – Kentucky* (last modified Mar. 5, 1998) <<http://www.uky.edu/Subject/kentuckyall.html>> This page is regularly updated by University of Kentucky's full-time WWW Resources Librarian, Rob Aken.

¹¹³ Of the forty states with judicial opinions available, most are available on sites controlled by the court or some state government body (Alabama (visited Apr. 2, 1998) <<http://www.alalinc.net/alalinc.htm>>, Alaska (last modified Mar. 27, 1998) <<http://www.alaska.net/~akctlib/sp.htm>>, Arizona (visited Apr. 2, 1998) <<http://www.state.az.us/sp/opinion2.htm>>, Arkansas (visited Apr. 2, 1998) <<http://170.94.21.194/supremecourt/opinions/opmain.htm>>, California (visited

Internet-savvy attorneys at bar association meetings,¹¹⁴ and has even given

Apr. 2, 1998) <<http://www.courtinfo.ca.gov/opinions/>>, Colorado (visited Apr. 2, 1998) <<http://www.cobar.org/coappcts/scndx.htm>>, Florida (visited Apr. 2, 1998) <<http://nersp.nerdc.ufl.edu/~lawinfo/flsupct/>>, Georgia (last modified Mar. 23, 1998) <<http://www2.state.ga.us/Courts/Supreme>>, Idaho (visited Apr. 2, 1998) <<http://www.idwr.state.id.us/judicial/scopins.html>>, Illinois (visited Apr. 2, 1998) <<http://www.state.il.us/court/>>, Indiana (visited Apr. 2, 1998) <<http://www.law.indiana.edu/law/incourts/incourts.html>>, Kansas (last modified Mar. 24, 1998) <<http://www.law.ukans.edu/kscourts/kscourts.html>>, Maine (visited Apr. 2, 1998) <<http://www.courts.state.me.us/>>, Maryland (visited Apr. 2, 1998) <<http://www.courts.state.md.us/>>, Massachusetts (visited Apr. 2, 1998) <<http://lweekly.com/sjc.htm>>, Michigan (last modified Mar. 30, 1998) <<http://www.icle.org/misupct/>>, Minnesota (last modified Oct. 8, 1997) <<http://www.courts.state.mn.us/>>, Mississippi (visited Apr. 2, 1998) <<http://mslawyer.com/mssc/case.html>>, Missouri (visited Apr. 2, 1998) <<http://www.state.mo.us/sca/mainhand.htm>>, Montana (last modified Feb. 20, 1998) <<http://www.mt.gov/>>, New Hampshire (last modified Feb. 25, 1998) <<http://www.state.nh.us/courts/supreme.htm>>, New Jersey (visited Apr. 2, 1998) <<http://www.state.nj.us/judiciary/index.html>>, New York (visited Apr. 2, 1998) <<http://www.law.cornell.edu/ny/ctap/overview.html>>, North Carolina (visited Apr. 2, 1998) <<http://www.aoc.state.nc.us>>, Ohio (last modified Mar. 31, 1998) <<http://www.sconet.ohio.gov>>, Oklahoma (last modified Sept. 23, 1997) <<http://www.onenet.net/oklegal/>>, Oregon (last modified Mar. 27, 1998) <<http://www.publications.ojd.state.or.us>>, Pennsylvania (last modified Mar. 30, 1998) <<http://www.Courts.state.pa.us/>>, Rhode Island (visited Apr. 8, 1998) <http://www.ribar.com/courts/supreme/_cases/opinions/html>, South Carolina (last modified Mar. 10, 1998) <<http://www.law.sc.edu/opinions/opinions.htm>>, South Dakota (last modified Mar. 4, 1998) <<http://www.sdbar.org/opinions/>>, Tennessee (visited Apr. 2, 1998) <<http://www.tsc.state.tn.us/>>, Texas (visited Apr. 2, 1998) <<http://www.window.state.tx.us/txgovinf/txcoca.html>>, Vermont (visited Apr. 2, 1998) <http://dol.state.vt.us/www_root/000000/html/supct.html>, Virginia (visited Apr. 2, 1998) <www.courts.state.va.us/opin.htm>, Washington (visited Apr. 2, 1998) <<http://www.cdlaw.com/cases/apps>>, West Virginia (last modified Mar. 25, 1997) <<http://www.state.wv.us/wvscs/opinions.htm>>, Wisconsin (visited Apr. 2, 1998) <<http://www.wisbar.org/Wis/>>, Wyoming (visited Apr. 8, 1998) <<http://courts.state.wy.us/newopn.htm>>). In several cases, however, the facilities of state law schools (Florida, Indiana, Kansas, Michigan, New Jersey, New York, South Carolina), or the state bar association (Colorado, Oklahoma, Rhode Island, South Dakota) are used. In two states (Massachusetts, Washington), decisions are mounted on the web sites of commercial legal publishers who make the opinions available free (presumably to draw in attorneys who will then become aware of their for-pay services).

¹¹⁴ In the Internet sessions at the 1997 annual KBA meeting, the question period was taken up with a spirited discussion of the need for online access to st

rise to attempts at commercial measures to rectify the problem.¹¹⁵ The most logical institution for this project would be the Administrative Office of the Courts ("AOC"), but with its modest budget and formidable mission of providing for the administrative needs of 125 district, 97 circuit, and 21 appellate judges, it is apparent that the legislature will need to provide some additional funding before the AOC can take on this task.

1. *Administrative Office of the Courts*

The Kentucky judiciary does have a presence on the web, in a site maintained by the AOC.¹¹⁶ There are specific pages devoted to the supreme court, court of appeals, circuit courts, and district courts, the clerks of the court, and the AOC, as well as an organizational chart of the Kentucky judicial system.¹¹⁷ The main page has a Citizen's Guide to the Courts, a pamphlet on jury duty, a guide to Small Claims Court, and links to various forms created by the AOC Print Shop.¹¹⁸ The Supreme Court subpage has a brief description of the court, a listing of the panel's membership, and a phone book of court personnel.¹¹⁹ A calendar of oral arguments and a map of supreme court districts also is provided.¹²⁰ The appeals, circuit, and district court pages are simpler, containing primarily a phone directory, district map, and brief description of the respective judicial body's role in the Kentucky court system.¹²¹ The Kentucky Clerks of Courts page is notable mainly for its listing of the official mailing addresses, phone numbers, and fax numbers of the clerks of the state's fifty-six judicial districts.¹²²

judicial decisions.

¹¹⁵ See, e.g., *The Kentucky Legal Research System* (visited Apr. 2, 1998) <<http://www.klrs.com>> (This web site attempted to provide digitized versions of Kentucky appellate decisions on a for-pay basis, but went out of business in the second half of 1997, and the web site is no longer maintained.).

¹¹⁶ See *Kentucky Court of Justice* (last modified Feb. 24, 1998) <<http://www.state.ky.us/agencies/aoc/default.htm>>

¹¹⁷ See *id.*

¹¹⁸ See *id.*

¹¹⁹ See *Kentucky Supreme Court* (last modified Feb. 24, 1998) <<http://www.state.ky.us/agencies/aoc/supreme.htm>>

¹²⁰ See *id.*

¹²¹ See *id.*

¹²² See *Kentucky Clerks of Courts* (last modified Feb. 24, 1998) <<http://www.state.ky.us/agencies/aoc/clerks.htm>>

2. *Fayette District and Circuit Court*

One particularly bright spot in the Kentucky judiciary's presence on the Internet is the Fayette County District and Circuit Court web site.¹²³ This site, created in conjunction with the Fayette County Bar Association, is a model of what one would want in a trial court web site. Up-to-date information about the judges and personnel of both courts, along with fees, schedules, motion hours, and master commission sales notices, are posted.¹²⁴ A sub-page gives the latest information for prospective jurors.¹²⁵ A hypertext version of the local rules is provided, along with a text version that can be downloaded.¹²⁶ The page is simply designed, but very effective.

B. *Federal*

1. *Supreme Court*

There are several sites where one can find decisions of the United States Supreme Court that, when used together, fully cover the Court's activities since 1893. The best site for current coverage of the Court is Cornell University's Legal Information Institute ("LII").¹²⁷ The LII site, which contains cases back to May 1990, posts new opinions within hours of their being handed down by the court.¹²⁸ Subscribers to a free e-mail service are notified immediately of new decisions.¹²⁹ Cornell University also has a collection of 580 historic decisions of the U.S. Supreme Court mounted at its site.¹³⁰ For material before 1990, the federal government's FedWorld has

¹²³ See *The Courts of Fayette County, Kentucky* (visited Apr. 2, 1998) <<http://www.iglou.com/fayettects/>>

¹²⁴ See *id.*

¹²⁵ See *Fayette Courts, Daily Juror Reporting Information* (visited Apr. 2, 1998) <<http://www.iglou.com/fayettects/jpage.htm>>

¹²⁶ See *Rules of Practice of the Fayette Circuit Court* (visited Apr. 2, 1998) <<http://www.iglou.com/fayettects/circuit/fcrtoc.htm>>

¹²⁷ See *Legal Information Institute: Hermes* (visited Apr. 2, 1998) <<http://supct.law.cornell.edu/supct/>>

¹²⁸ See *id.* at *Decisions in the LII Collection*.

¹²⁹ The service, liibulletin, is run as a listserv and requires a user to send an e-mail message to listserv@listserv.law.cornell.edu with the message "subscribe liibulletin" followed on the same line with the person's name. See *Staying Current with the U.S. Supreme Court and N.Y. Court of Appeals* (last modified Apr. 2, 1996) <<http://www.law.cornell.edu/focus/bulletins.html>>

¹³⁰ See *Selected Historic Decisions of the U.S. Supreme Court* (visited Apr. 2, 1998) <<http://supct.law.cornell.edu/supct/cases/historic.htm>>

mounted the U.S. Air Force's in-house FLITE (Federal Legal Information Through Electronics) database of Supreme Court opinions from 1937 to 1975 (volumes 300 through 422 of *U.S. Reports*).¹³¹ FindLaw, a for-profit legal research web site, offers a free archive of Supreme Court cases that covers the period from volume 150 of *U.S. Reports* in 1893 to the present.¹³² Another commercial provider, Infosynthesis's USSC+, has full coverage from 1966 onward and about 450 selected historic cases dating back to 1793.¹³³ Also of interest is Northwestern University's Oyez site, which contains RealAudio¹³⁴ versions of current and historical oral arguments before the Supreme Court.¹³⁵ Each of these sites is searchable by keyword or case name, and some allow additional access by subject and by the *U.S. Reports* citation.

2. Court of Appeals – Sixth Circuit

Since the beginning of 1995, the Emory University School of Law Library has been the official host of the opinions of the United States Court of Appeals for the Sixth Circuit.¹³⁶ The opinions can be viewed full-text on the web, or can be downloaded in Rich-Text Format ("RTF"), which can be easily imported into WordPerfect or Microsoft Word. There are four ways to

¹³¹ See *FedWorld/FLITE U.S. Supreme Court Decision Full Text Search* (last modified Oct. 24, 1997) <<http://www.fedworld.gov/supcourt/fsearch.htm>>

¹³² See *U.S. Supreme Court Opinions* (visited Apr. 2, 1998) <<http://www.findlaw.com/casecode/supreme.html>> According to their documentation sheets, FindLaw promises that these opinions will remain free. See *Supreme Court Opinions FAQ* (visited Apr. 2, 1998) <<http://www.findlaw.com/casecode/FAQ.html>>

¹³³ See *USSC+ U.S. Supreme Court Database* (visited Apr. 2, 1998) <<http://www.usscplus.com/>>

¹³⁴ RealAudio is the most popular of the technologies for "streaming" audio, a process where audio information is conveyed in manageable parts through an Internet browser, avoiding the necessity for the whole file to be downloaded before listening. This technology has enabled web sites to broadcast large sound files. The "receiver" software can be downloaded for free from RealAudio, which makes its money selling the "broadcasting" software to web sites. See *Real Networks* (visited Apr. 2, 1998) <<http://www.realaudio.com>>

¹³⁵ See *Oyez, Oyez, Oyez: A U.S. Supreme Court Database* (visited Apr. 2, 1998) <<http://oyez.nwu.edu/>> The site has, for example, the oral arguments in *Batson v. Kentucky*, 476 U.S. 79 (1986), the landmark case that held that persons could not be peremptorily struck from a jury based on race alone.

¹³⁶ See *United State Courts of Appeals, Sixth Circuit* (visited Apr. 2, 1998) <<http://www.law.emory.edu/6circuit/>>

search the Emory site: by month of decision, by alphabetical listing by first party, by alphabetical listing by second party, and by keyword.¹³⁷ The Emory site also has a Federal Courts Finder that directs users to collections of appellate opinions from all twelve federal circuits.¹³⁸

3. *District Courts of Kentucky – Western District*

Joining more than a dozen other federal districts, in 1997, Kentucky's Western District started a web site that promises to soon begin offering secure electronic case filing, access to judicial slip opinions, and court-supplied forms.¹³⁹ Currently the district site has posted joint civil local rules, joint criminal local rules, daily updated court calendars,¹⁴⁰ court filing fee schedules, and the court phone directory.¹⁴¹ If promised features pan out (and they have been under construction for several months), this site could prove to be a very useful tool for practitioners in Louisville and Western Kentucky

IV KENTUCKY BAR ASSOCIATION

The KBA web site is a relatively useful organizational site, with descriptive material on the KBA's organization, committees, and routine activities, but has little content of use to legal research or the practice of law.¹⁴² There is a useful master calendar of bar-sponsored CLE events, a directory of phone numbers of staff, and a link to the Kentucky Board of Bar Examiners web page.¹⁴³

In late 1997, the University of Kentucky College of Law library, in cooperation with the KBA, mounted a web site¹⁴⁴ featuring an archive of all professional ethics opinions promulgated since the last edition of Richard

¹³⁷ See *id.*

¹³⁸ See *Emory Law Library, Federal Courts Finder* (visited Apr. 2, 1998) <<http://www.law.emory.edu/FEDCTS/>>

¹³⁹ *United States District Court, Western District of Kentucky* (visited Apr. 2, 1998) <<http://www.kywd.uscourts.gov>>

¹⁴⁰ Also known as Redbooks; available for Bowling Green, Louisville, Owensboro, and Paducah.

¹⁴¹ See *supra* note 139.

¹⁴² See *Kentucky Bar Association* (last modified Mar. 11, 1998) <<http://www.kybar.org/>>

¹⁴³ See *Kentucky Board of Bar Examiners* (visited Apr. 2, 1998) <<http://www.concentric.net/~Kbbe/>>

¹⁴⁴ See *Kentucky Bar Association Ethics Opinions* (last modified Feb. 2, 1998) <<http://www.uky.edu/Law/kyethics/>>

Underwood's *Kentucky Legal Ethics Opinions and Professional Responsibility Deskbook*.¹⁴⁵ Since the last edition of the Deskbook was published in 1993, legal ethics researchers have been forced to update their research by checking every issue of *Kentucky Bench and Bar* (the official source of publication, published quarterly). The ethics opinions web site can be searched by opinion number or by keyword. Under construction is an electronic version of the Kentucky Rules of Professional Responsibility, cross-linked to relevant opinions on the web site.¹⁴⁶

V LAW SCHOOL SITES

The law library web sites of the state's three law schools are valuable starting points for legal researchers. All have regularly updated directories of general and Kentucky legal research sites, as well as guides, directories, and, in some cases, primary source materials. The University of Kentucky¹⁴⁷ has, in addition to the professional ethics opinions site mentioned above,¹⁴⁸ a large collection of hypertext legal research guides written by Shaun Esposito on topics ranging from administrative law research to law-related humor.¹⁴⁹ The University of Kentucky Law Library also sponsors *Lex Equus*, a clearinghouse for equine law information.¹⁵⁰ The site summarizes recent cases relating to horses, horse racing, and other equine activities, and brings together links to relevant federal and state statutes.¹⁵¹

The University of Louisville Louis D. Brandeis School of Law library¹⁵² also has a number of useful online publications, including a quick guide to

¹⁴⁵ KENTUCKY LEGAL ETHICS OPINIONS AND PROFESSIONAL RESPONSIBILITY DESKBOOK (Richard H. Underwood & Todd B. Eberle eds., 1993). The DESKBOOK is published by the University of Kentucky's Office of Continuing Legal Education and is currently under revision, with a promised publication date of 1998. It can be purchased directly from the University of Kentucky, Continuing Legal Education Office, Suite 260 Law Building, Lexington, Ky. 40506-0048, (606) 257-2951.

¹⁴⁶ See *supra* note 144.

¹⁴⁷ See *University of Kentucky Law Library Homepage* (visited Apr. 2, 1998) <<http://www.uky.edu/Law/library/>>

¹⁴⁸ See *supra* note 144.

¹⁴⁹ See *University of Kentucky Law Library Legal Research Guides* (visited Apr. 2, 1998) <<http://www.uky.edu/Law/guides/gdkey.htm>> Other issues covered are alternative dispute resolution, legal research basics, legislative history, communications law, and public school law. See *id.*

¹⁵⁰ See *Lex Equus* (last modified Jan. 5, 1998) <<http://www.uky.edu/Law/guides/equine/lexeq.htm>>

¹⁵¹ See *id.*

¹⁵² See *University of Louisville Law Library* (last modified Dec. 10, 1997) <<http://www.louisville.edu/library/law.html>>

Kentucky legal research by Michael Whiteman¹⁵³ and research tips on foreign law research in the library's excellent collection of English, Canadian, and Australian legal materials.¹⁵⁴ Also of interest are guides to the papers of U.S. Supreme Court justices Louis D. Brandeis¹⁵⁵ and John Marshall Harlan,¹⁵⁶ which are housed at the school.

Northern Kentucky University's Salmon P Chase College of Law Library has a useful directory of Kentucky sources on the web.¹⁵⁷

VI. OTHER RESOURCES

A. County and Municipal Sites

For attorneys whose practice involves real estate, zoning, landlord-tenant law, or any of a number of areas of law where a local government agency is a party, the web sites of cities and counties can be a valuable resource. Unfortunately, finding a city's web site is often difficult.¹⁵⁸ Some sites are set up as state government sites, with addresses using a naming convention based on the postal code and ending ".ky.us," while others are formed as organizational sites using the ".org" ending. The Lexington-Fayette Urban County Government ("LFUCG") inexplicably has a web address, www.lfucg.com, that indicates it is a commercial web site. Louisville, the state's largest city, has two official web sites (neither of which was available for several weeks in late 1997).¹⁵⁹

¹⁵³ See *Kentucky Legal Research: A Quick Guide* (last modified Jan. 9, 1998) <<http://www.louisville.edu/library/law/kyguide2.html>>

¹⁵⁴ See *supra* note 152, at *Law Library Research Tips*.

¹⁵⁵ See *Guide to the Papers of Louis Dembitz Brandeis at the University of Louisville* (last modified Dec. 17, 1997) <<http://www.louisville.edu/library/law/brandeis.html>>

¹⁵⁶ See *John Marshall Harlan (1833-1911): Index to the University of Louisville School of Law Collection* (last modified Dec. 17, 1997) <<http://www.louisville.edu/library/law/harlan/>>

¹⁵⁷ See *Salmon P Chase College of Law Library* (visited Apr. 2, 1998) <http://www.nku.edu/~chase/LIBRARY/LIB_HOME.HTM/>

¹⁵⁸ See Charles Wolfe, *High-tech Government Still Faces Hurdles: Many Don't Have Net Access, Savvy to Reach Officials*, THE COURIER-JOURNAL (Louisville, Ky.), Dec. 22, 1997, at B1 (discussing Governor Patton's initiatives towards implementing technology into government services, and the obstacles to such initiatives).

¹⁵⁹ One site created jointly by the city and Jefferson County, *Welcome to Louisville* (visited Apr. 2, 1998) <<http://www.louisville.ky.us>>, went off-line for several weeks; another site, *City of Louisville* (visited Apr. 2, 1998) <<http://www>.

Generally, the best source for the addresses of local government web sites is Yahoo!'s Cities directory,¹⁶⁰ but frequently even that directory falls short. The best municipal web resource for Kentucky attorneys who practice in Fayette County is the LFUCG web site.¹⁶¹ In addition to the usual directories, calendars, and promotional material found on all government sites, the site has an up-to-date PDF version of the county's *Code of Ordinances* that can be searched by chapter.¹⁶²

B. Economic and Policy Resources

Frequently, a particular legal argument will turn on economic facts, statistics, or some other information that is the result of economic research. At other times, an attorney will want to know the policy behind a rule or will seek to predict the future course of government action. Kentuckians are fortunate to have institutions studying the implications of government policy (even if the fruits of their research are often ignored).

1. Kentucky State Data Center

The Kentucky State Data Center ("KSDC") is a cooperative effort among the Commonwealth of Kentucky, the University of Louisville, and the Census Bureau. It provides technical assistance in the use of U.S. "[c]ensus data for research, administration, planning, and decisionmaking" by the state's government and business community.¹⁶³ The KSDC web site has databases of data tables and maps, the reports of studies on Kentucky demographic trends, and back files of the center's newsletters.¹⁶⁴ Associated organizations like the Urban Studies Institute¹⁶⁵ and the Louisville Economic Monitor¹⁶⁶ have separate sub-pages.

louky.org>, has been registered as a city-maintained site, but has no content.

¹⁶⁰ See Yahoo!, *Regional: U.S. States: Kentucky: Cities* (visited Apr. 2, 1998) <http://www.yahoo.com/regional/u_s_states/kentucky/cities/index.html>

¹⁶¹ See *Lexington-Fayette Urban County Government* (visited Apr. 2, 1998) <<http://www.lfucg.com>>

¹⁶² See *Code of Ordinances* (last modified Nov 1, 1997) <<http://www.lfucg.com/code.htm>>

¹⁶³ *Kentucky State Data Center* (visited Apr. 2, 1998) <<http://www.louisville.edu/groups/sdc-www/>>

¹⁶⁴ See *id.*

¹⁶⁵ See *Urban Studies Institute at the University of Louisville* (last modified Aug. 9, 1996) <<http://www.louisville.edu/cbpa/usi/>>

¹⁶⁶ See *The Louisville Economic Monitor* (visited Apr. 2, 1998) <<http://monitor.cbpa.louisville.edu/>> This site is loaded with statistical data on the population, employment rates, salary levels, consumer prices and housing trends of the state's largest city.

2. *Kentucky Long-Term Policy Research Center*

Another excellent source of economic and policy research is the web site of the Kentucky Long Term Policy Research Center.¹⁶⁷ At the start of 1998, a main attraction on the site was a new report on the impact of information technology on the future of Kentucky.¹⁶⁸ Other reports concern the state budget, the economic and environmental future of Kentucky, and the impact of globalization upon Kentucky's rural and agricultural resources.¹⁶⁹ An interactive sub-page provides charts and tables projecting the future of the state and asks citizens to give their assessment of Kentucky's progress.¹⁷⁰

3. *Business Association Sites*

The web sites of business organizations like chambers of commerce and trade associations also are useful sources of information. The Kentucky Chamber of Commerce site is a good source of business and legislative news (albeit with a decidedly pro-business slant).¹⁷¹ The Louisville Chamber of Commerce site also is worth exploring.¹⁷² For news and information concerning banking and financial services, the web site of the other KBA, the Kentucky Bankers Association, has several free services, as well as more substantial information in a subscribers-only section.¹⁷³

C. *Kentucky Newspapers and Magazines*

Newspapers often are the best source of information about the progress of legislation in Kentucky, as well as the background of trials and legal controversies around the state.¹⁷⁴ The major newspapers in Kentucky's three

¹⁶⁷ See *Kentucky Long Term Policy Research Center* (last modified Feb. 20, 1998) <<http://www.lrc.state.ky.us/ltprc/home.htm>>

¹⁶⁸ See Peter Schirmer & Stephan J. Goetz, *The Circuits Come to Town: Executive Summary* (visited Apr. 2, 1998) <<http://www.lrc.state.ky.us/ltprc/tcctt.htm>>

¹⁶⁹ See *supra* note 167, at *Report and Studies*.

¹⁷⁰ See *supra* note 167, at *Kentucky State Budget Game*.

¹⁷¹ See *Kentucky Chamber of Commerce, Home Page* (visited Apr. 2, 1998) <<http://www.kychamber.com/>>

¹⁷² See *The Chamber, The Louisville Area Chamber of Commerce* (visited Apr. 2, 1998) <<http://www.lacc.org/sitestats.idc>>

¹⁷³ See *Kentucky Bankers Association* (visited Apr. 2, 1998) <<http://www.kybanks.com/>>

¹⁷⁴ The Kentucky subject guide of the University of Kentucky library's World-Wide Web Resources directory at *UK World-Wide Web Resource* (last modified

urban centers, the Louisville *Courier-Journal*,¹⁷⁵ the *Lexington Herald-Leader*,¹⁷⁶ and the *Kentucky Post*,¹⁷⁷ all have sophisticated web sites that include the major stories of the day, as well as archives of past issues. Business publications like Louisville's weekly *Business First*¹⁷⁸ and magazines like *Louisville Magazine*¹⁷⁹ are also good sources of legal news.

CONCLUSION

No longer solely the province of engineers or computer enthusiasts, the Internet has emerged as a serious tool for legal researchers. Legal institutions in Kentucky have made a strong effort toward putting the state's fundamental legal documents on the world-wide web. Unofficial versions of state statutes and administrative regulations are readily accessible on the Internet,¹⁸⁰ as are attorney general opinions¹⁸¹ and legal ethics opinions.¹⁸² Tax and business filing forms also have been made available to web users.¹⁸³ In addition, dozens of agencies and nonprofit organizations have established web sites with gigabytes of information useful to legal practitioners.¹⁸⁴

Yet, there is still more to do. The absence of state judicial opinions must be remedied, either by the supreme court, the AOC, the KBA, the state's law schools, or a cooperative venture involving some combination of these groups. Efforts by the U.S. District Court for the Western District¹⁸⁵ to create a strong Internet presence need to be emulated by the Eastern District. The high quality of the Internet K.R.S. and K.A.R. makes it clear that there is no

Mar. 5, 1998) <<http://www.uky.edu/Subject/kentucky.html>> has links to several Kentucky newspapers under the City, County, and Region Sites.

¹⁷⁵ See *The Courier-Journal: Online Features* (visited Apr. 2, 1998) <<http://www.courier-journal.com>>

¹⁷⁶ See *Kentucky Connect* (visited Apr. 2, 1998) <<http://www.kentuckyconnect.com>>

¹⁷⁷ See *The Post: World Wide Web Edition of the Kentucky Post* (visited Apr. 2, 1998) <<http://www.kypost.com>>

¹⁷⁸ See *Business First: The Weekly Business Newspaper of Greater Louisville* (visited Apr. 2, 1998) <<http://www.amcity.com/louisville/index.html>>

¹⁷⁹ See *Louisville Magazine* (visited Apr. 2, 1998) <<http://www.louisville.com/loumag/>>

¹⁸⁰ See *supra* Parts I.B, II.A.

¹⁸¹ See *supra* Part II.B.2.

¹⁸² See *supra* Parts I.D.2, IV

¹⁸³ See *supra* Part II.B.3.

¹⁸⁴ See *supra* Parts II, IV, V, VI.

¹⁸⁵ See *supra* note 139 and accompanying text.

technical reason why the General Assembly should not certify the electronic versions as official versions. Across the board, government-sponsored web sites need to begin to systematically archive web-based materials when they are no longer timely. Finally, the KBA needs to consider making its web site a much more vital tool for its membership, perhaps by publishing opinions on its own, or by offering interactive continuing education programs on the web.

In a rural state like Kentucky, with large sections isolated from the capital by distance and terrain as well as subtle political traditions, the Internet offers a means to provide services to all regions on an equal basis. Kentucky's future holds the possibility of having the fundamental tools of legal research freely available to lawyers wherever they practice.